

Application No.: 09/533,148
Attorney Docket No. 99-313

REMARKS

Claims 1-25 are pending in this application. Claims 26-31 were previously withdraw from consideration by the Examiner due to a restriction requirement.

In the Office Action,¹ the Examiner rejected claims 1-25 under 35 U.S.C. § 103(a) as being unpatentable over Kracht (U.S. Patent No. 6,377,987) in view of Feldmann (U.S. Patent Publication No. 20020021675 A1). Applicant respectfully traverses the rejection for the following reasons.

To establish a proper *prima facie* case of obviousness under 35 U.S.C. § 103(a), the Examiner must demonstrate each of three requirements. First, the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. See M.P.E.P. § 2143.03 (8th ed. 2001). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. See M.P.E.P. § 2143.01 (8th ed. 2001). Third, a reasonable expectation of success must exist. See M.P.E.P. § 2143.02 (8th ed. 2001). Moreover, each of these requirements must be found in the prior art, not in applicant's disclosure. See M.P.E.P. § 2143 (8th ed. 2001).

Claim 1 recites a "method for analyzing a data network having a plurality of routers" comprising, among other steps, a step of "determining if a particular network prefix is included in the accessed information." The asserted references, taken alone or in combination, do not disclose or suggest at least this step of claim 1.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

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With regard to the above step of claim 1, in the Office Action, the Examiner contends Kracht discloses this feature because it teaches that "routing table entries show specific IP addresses of a router, determining from a set of network address (network prefix) the identity of devices that are associated with the set of network address," citing col. 11, lines 49-56; col. 16, lines 13-17. See Office Action, page 3. Applicant respectfully disagrees.

In the Kracht system, "potential neighboring devices ... can be inferred by examining the routing tables of the known devices of type router." See col. 11, lines 48-51. Further, "the routing table may have entries which show that ... the 'next hop' in the route is given by the specific IP address of the other router." See col. 11, lines 53-56. Additionally, in the Kracht system, a "device search involves determining a set of network addresses to be searched and identifying devices that are associated ... with the set of network addresses." See col. 16, lines 13-17. Accordingly, Kracht discloses that a "next hop" in a route is given by a specific IP address of another router and determining a set of network addresses. However, these teachings of Kracht do not constitute "determining if a particular network prefix is included in the accessed information," as recited in claim 1 (emphasis added). The rejection of claim 1 is improper for at least this reason.

Furthermore, claim 1 also recites a step of "determining an identity of a network device based on an identity included in the accessed information corresponding to the network prefix." The asserted references, taken alone or in combination, do not disclose or suggest at least this step of claim 1.

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The Examiner contends Kracht teaches an "identity of a device is determined based on collected and examined configuration information," citing col. 11, lines 49-56; col. 16, lines 13-17; and col. 17, lines 16-32. See Office Action, page 3. Applicant respectfully disagrees.

As discussed above, in the Kracht system, "potential neighboring devices ... can be inferred by examining the routing tables of the known devices of type router." See col. 11, lines 48-51. [T]he routing table may have entries which show that ... the 'next hop' in the route is given by the specific IP address of the other router." See col. 11, lines 53-56. A "device search involves determining a set of network addresses to be searched and identifying devices that are associated ... with the set of network addresses." See col. 16, lines 13-17. Furthermore, "configuration information associated with routers is processed to identify the routing table that has a default address outside the set of network addresses." See col. 17, lines 16-18. The "collected configuration information is processed to determine whether a device is a stacked device." See col. 17, lines 21-25. Identifying devices associated with a set of network addresses as taught by Kracht, however, does not constitute or suggest "determining an identity of a network device based on an identity included in the accessed information corresponding to the network prefix," as recited in claim 1 (emphasis added).

Moreover, Feldmann does not make up for the above described deficiencies of Kracht. By contrast, the Feldmann system provides a network-wide view of topology and configuration information in a packet-switched network. Feldmann discloses an abstract data model that comprises information relating to connectivity, addressing, and routing in the network. This data model is populated from various network information

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sources including router configuration files. However, Feldmann also does not disclose "determining if a particular network prefix is included in the accessed information" and "determining an identity of a network device based on an identity included in the accessed information corresponding to the network prefix," as recited in claim 1. Furthermore, the Examiner does not rely on Feldmann for such teachings. See Office Action, page 4.

Although the Examiner admits Kracht does not explicitly show a static route information and open shortest path first route summarization information, the Examiner alleges that Feldmann makes up for this shortcoming. See Office Action, page 4. Even if the Examiner's allegations were correct, which Applicant does not concede, the Examiner has not shown that Kracht and Feldmann, taken alone or in combination, disclose or suggest "determining if a particular network prefix is included in the accessed information," as recited in claim 1 (emphasis added).

Moreover, the Examiner has not shown any motivation for combining the asserted references to arrive at the claimed features recited in claim 1. In particular, the Examiner alleges "a person of ordinary skill in the art would have readily recognized the desirability and the advantage of modifying Kracht by employing the system of Feldmann because it provides reachability information about network devices and to facilitate how to direct traffic toward remote end points." See Office Action, page 5. The Examiner's allegation, however, does not demonstrate any suggestion in Kracht or Feldmann of determining if a particular network prefix is included in "at least one of static routing information and route summarization information." Nor has the Examiner demonstrated an expectation of success for making the proposed combination.

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Accordingly, for at least the above reasons, the Examiner has not demonstrated that

Kracht and Feldmann, alone or in combination, disclose or suggest claim 1.

Accordingly, the Examiner should withdraw the rejection of claim 1.

The Examiner rejected independent claims 7, 8, 14, 20, 22, and 24 for substantially the same reasons as given for claim 1. Applicant respectfully submits that independent claims 7, 8, 14, 20, 22, and 24, while of differing scopes from claim 1 and each other, are allowable over the asserted references for at least the reasons discussed above in relation to claim 1. Applicant further submits that claims 2-6, 9-13, 15-19, 21, 23, and 25, which respectively depend from independent claims 1, 8, 14, 20, 22, and 24, are allowable at least due to their dependence from their corresponding allowable independent claims. Accordingly, the Examiner should withdraw the rejection of claims 2-25.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 07-2347.

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Respectfully submitted,

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